

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COURNTEY GREEN,

Plaintiff,

-against-

VIACOM CBS,

Defendant.

1:22-CV-0238 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated and entered January 12, 2022, the Court directed Plaintiff, who appears *pro se*, within 30 days, to resubmit the signature page of the complaint with an original signature. (ECF 5.) The Court attached a copy of the signature page of the complaint to the Court's January 12, 2022, order, and warned Plaintiff that if she failed to comply with the Court's order within the time allowed, the Court would dismiss the action. (*Id.*) On March 4, 2022, Plaintiff filed a signed motion for leave to proceed *in forma pauperis* on appeal (ECF 6), and on March 12, 2022, she filed an unsigned letter describing additional relief she sought (ECF 7). Plaintiff did not, however, resubmit the signature page of her complaint with her original signature within 30 days of the Court's January 12, 2022, order. By order and judgment dated March 14, 2022, and entered two days later, on March 16, 2022 (63 days after the Court issued its January 12, 2022, order), the Court dismissed this action without prejudice due to Plaintiff's failure to comply with the Court's January 12, 2022, order. (ECF 8 & 9.)

On March 17, 2022, Plaintiff filed a signed signature page of her complaint. (ECF 10.) On that same date, Plaintiff filed an unsigned "motion to reconsider" asserting that "the original filing was sent via [the United States Postal Service ("USPS")] as a hard copy paper document on [December 24, 2021,] with original signature." (ECF 11, at 1.) Also, on that same date,

Plaintiff filed a request for the issuance of a subpoena. (ECF 12.) She filed another request for the issuance of a subpoena, as well as requests for the issuance of a summons, one day later, on March 18, 2022. (ECF 13 & 14.) One day after that, on March 19, 2022, Plaintiff filed another unsigned letter in which she stated “[a]mended [*in forma pauperis*] was submitted at time of hard time and recent funds in account are from 2021 tax return and will be used to obtain a place to live.” (ECF 15.)

By order dated and entered March 28, 2022, the Court construed Plaintiff’s “motion to reconsider” as a motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure, and for reconsideration under Local Civil Rule 6.3, and denied the motion as well as Plaintiff’s other pending requests. (ECF 16.)

On April 1, 2022, Plaintiff filed: (1) another request for the issuance of a subpoena; (2) another signed signature page of her complaint; and (3) an unsigned letter in which she seeks relief in addition to that sought in her complaint. (ECF 17-19.) On April 2, 2022, Plaintiff filed: (1) a motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure; and (2) an unsigned letter in which she makes allegations in addition to those made in her complaint. (ECF 20 & 21.) On April 5, 2022, Plaintiff filed a notice of appeal (ECF 22.) Seven days later, on April 12, 2022, Plaintiff filed another motion for an extension of time to file a notice of appeal under Rule 4(a)(5) of the Federal Rules of Appellate Procedure. (ECF 23.)

For the reasons discussed below, the Court denies the motions for an extension of time to file a notice of appeal as unnecessary.

DISCUSSION

A litigant has 30 days from the entry date of the order or judgment she wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). On March 16, 2022, the Clerk of

Court entered the order and judgment dismissing this action. Thus, Plaintiff had 30 days from that date, or until April 15, 2022, to file a timely notice of appeal. Plaintiff filed her notice of appeal on April 5, 2022. Accordingly, the Court denies Plaintiff's motions for an extension of time to file a notice of appeal as unnecessary.

CONCLUSION

The Court denies Plaintiff's motions for an extension of time to file a notice of appeal as unnecessary. (ECF 20 & 23.) The Court also denies any other pending requests as moot.

The Court notes that Plaintiff has consented to electronic service of court documents. (ECF 4.)

SO ORDERED.

Dated: April 14, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge